

"Express Mail" mailing label number EL562417033US

Date of Deposit: January 5, 2001

Our Case No. 8285/347



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Wilbur J. Walkoe, Jr. et al. )  
) Examiner: Unassigned  
Serial No. 09/533,263 )  
) Group Art Unit No. 2739  
Filing Date: March 17, 2000 )  
)  
For TELECOMMUNICATION SYSTEM, )  
METHOD AND SUBSCRIBER UNIT )  
FOR USE THEREIN )

**PETITION UNDER 37 C.F.R. §1.47 AND MPEP §409.03(a) TO ACCEPT  
APPLICATION WHERE A JOINT INVENTOR HAS REFUSED TO SIGN**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants respectfully petition for acceptance of the of the enclosed Declaration under 37 C.F.R. §1.47 and MPEP §409.03(a). Enclosed is the petition fee set forth in 37 C.F.R. §1.17(i). One joint inventor, James Barber, has refused to sign the Declaration for the above-referenced patent application after being presented with the application and Declaration. As set forth in MPEP §409.03(a), the following is enclosed:

(A) A Declaration signed by all of the available joint inventors with the signature block of the non-signing inventor (Mr. Barber) left blank.

(B) A Declaration of facts regarding Mr. Barber's refusal to execute the application papers:

(C) The last known address of Mr. Barber is as follows:

Work

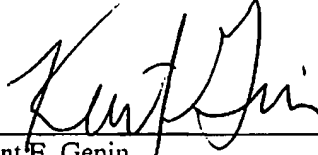
SAIC  
10260 Campus Point Drive  
San Diego, California 92121

Home

1528 Virginia Way  
La Jolla, CA 92037

Acceptance of the enclosed Declaration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kent E. Genin", written over a horizontal line.

Kent E. Genin  
Registration No. 37,834  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200



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**DECLARATION OF FACTS IN SUPPORT OF FILING  
ON BEHALF OF OMITTED INVENTOR (37 C.F.R. §1.47)**

This declaration is made as to the facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the omitted inventor for the above-identified patent application.

This declaration is being made by a person having first-hand knowledge of the facts recited herein.

1. I, Kent E. Genin, am a registered patent attorney representing Ameritech Corporation in the above-identified patent application. Ameritech Corporation is an assignee of rights in the above-identified application. Copies of the powers of attorney and assignments from inventors of this application are attached to this declaration.

2. James Barber, a named inventor for the above-identified application, has not signed the declaration for this application.

3. Mr. Barber was provided with a copy of the application papers (specification, including claims, drawings and declaration) via Federal Express sent out on August 7, 2000 to his current place of employment at SAIC in San Diego. (See attached cover letter).

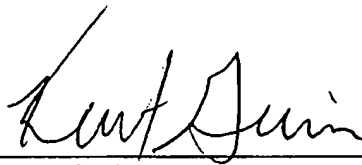
4. Mr. Barber received these documents on August 8, 2000 as evidenced by the attached tracking receipt. Mr. Barber also acknowledged receipt of these documents during subsequent telephone conversations with me.

5. From my office in Chicago, Illinois, I telephoned Mr. Barber at approximately 3:30 p.m. (CST) on October 19, 2000, and asked whether he would sign the formal papers (including the Declaration). Mr. Barber, who was at his office at SAIC in San Diego, stated that he would not sign the formal papers.

6. Mr. Barber did not provide a reason for his refusal during our October 19, 2000, conversation. However, in previous telephone conversations with Mr. Barber where I inquired as to whether he would sign the Declaration for this application, he stated that he was unhappy that inventions, and inventors for those inventions, were included in this continuation-in-part application in addition to the contributions of Wilbur Walkoe and himself.

Your petitioner further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: January 5, 2001

  
\_\_\_\_\_  
Kent E. Genin  
Registration No. 37,834  
Attorney for Applicants